

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

NO. 3:06cr118-W

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN TREMAIN PHILLIPS,

Defendants.

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ORDER

THIS MATTER comes before the undersigned United States District Judge on Defendant's (1) Motion for Psychiatric/Psychological Evaluation and (2) Unopposed Motion for Continuance of Sentencing.

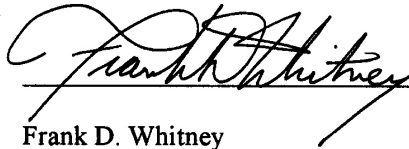
Defendant asserts through counsel that Defendant may be incompetent to proceed through Sentencing and may have been incompetent when he entered his Plea of Guilty. Defendant argues that, because a North Carolina District Court Judge ordered Defendant to report for a mental evaluation on December 16, 2005, he should likewise be ordered for a complete psychiatric/psychological evaluation by Federal medical personnel.

While the Defendant provided this Court the state judge's recommendation, Defendant never produced any medical records, although Defendant acknowledges that he made "[r]equests for medical records . . . [from] defendant's state probation officer." Motion for Psychiatric/Psychological Evaluation at ¶ 3. A judge's order for evaluation alone does not prove that a defendant is incompetent.

THEREFORE Defendant is ordered to produce any and all medical records and other credible

evidence that he has supporting his claim of mental incompetency at his Sentencing on October 23, 2006, before the Court may adequately address his two motions.

Signed: October 18, 2006


Frank D. Whitney
United States District Judge

